

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

TIMOTHY R. MOST	§	
v.	§	CIVIL ACTION NO. 5:18cv59
WARDEN, FCI TEXARKANA	§	

MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Timothy R. Most, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court referred this matter to the Honorable Caroline M. Craven, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636.

Petitioner is challenging the calculation of his federal sentence. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the petition be denied. Docket No. 7.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation have been filed.¹ As no objections have been filed, the Court reviews the Magistrate Judge's findings of fact and conclusions of law for plain error. *Rodriguez v. Bowen*, 857 F.2d 276, 276-77 (5th Cir. 1988).

The Court agrees with the Magistrate Judge's findings and conclusions that the Bureau of Prisons correctly calculated Petitioner's federal sentence. Petitioner was not entitled to credit towards his federal sentence for time that was credited towards his state sentence.

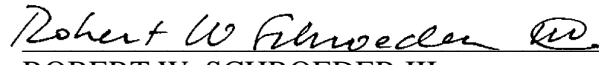
Accordingly, finding no plain error in the findings of fact and conclusions of law of the Magistrate Judge, the Court **ADOPTS** the Report and Recommendation of United States Magistrate

¹ The Report and Recommendation was mailed to Petitioner's last known address on December 26, 2018. Petitioner is a *pro se* litigant, and, under the Local Rules of the Eastern District of Texas, *pro se* litigants must provide the Court with a physical address and are responsible for keeping the clerk advised in writing of the current address. Local Rule CV-11(d). To date, Petitioner has not acknowledged receipt of the Report and Recommendation.

Judge as the findings and conclusions of this Court. It is therefore

ORDERED that this petition for writ of habeas corpus is **DENIED**.

So ORDERED and SIGNED this 24th day of June, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE